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|                 |             |                      |                     |
|-----------------|-------------|----------------------|---------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
| 09/417,604      | 10/14/99    | ISHINO               | A 8005.166US0       |

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QM12/1026

|          |              |
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| EXAMINER |              |
| KIM, E   |              |
| ART UNIT | PAPER NUMBER |
| 3721     |              |

DATE MAILED: 10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

|  |                 |               |
|--|-----------------|---------------|
| <b>Office Action Summary</b>   | Application No. | Applicant(s)  |
|  | 09/417,604      | ISHINO ET AL. |
| <b>Period for Reply</b>  | Examiner        | Art Unit      |
|  | Eugene Kim      | 3721          |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>   |                 |               |
| <b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>   |                 |               |
| <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul> |                 |               |
| <b>Status</b>  |                 |               |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>21 September 2001</u> .  |                 |               |
| 2a) <input checked="" type="checkbox"/> This action is FINAL.      2b) <input type="checkbox"/> This action is non-final.  |                 |               |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  |                 |               |
| <b>Disposition of Claims</b>   |                 |               |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1,3-5,7-13,15 and 16</u> is/are pending in the application.   |                 |               |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration.   |                 |               |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed.   |                 |               |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>1, 3-5, 7-13, 15, 16</u> is/are rejected.   |                 |               |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to.   |                 |               |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.   |                 |               |
| <b>Application Papers</b>  |                 |               |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner.  |                 |               |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.  |                 |               |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  |                 |               |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.  |                 |               |
| If approved, corrected drawings are required in reply to this Office action.   |                 |               |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.   |                 |               |
| <b>Priority under 35 U.S.C. §§ 119 and 120</b>   |                 |               |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   |                 |               |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:  |                 |               |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received.   |                 |               |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.  |                 |               |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   |                 |               |
| * See the attached detailed Office action for a list of the certified copies not received.   |                 |               |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  |                 |               |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.   |                 |               |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  |                 |               |
| <b>Attachment(s)</b>   |                 |               |
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   |                 |               |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   |                 |               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.  |                 |               |
| 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.  |                 |               |
| 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |                 |               |
| 6) <input type="checkbox"/> Other: _____.  |                 |               |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. Claims 1, 3-5, 7-13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al in view of Inamura et al as discussed in paragraph 1 of the last office action.
2. Applicant's arguments filed 9/21/01 have been fully considered but they are not persuasive.

In response to applicant's argument regarding the memory means, the secondary reference Inamura is being used to show the memory means for the print data. The primary reference, Nakagawa et al disclose memory means 21 wherein data is stored and also disclose that the user specifies/inputs the articles to be packaged which reads on inputting specified ones of packaging conditions. As discussed in the previous office action, the actual correlation data is a matter of design choice. Nakagawa et al also disclose that the data stored 21 includes parameters for each kind of article to be packaged. This infers that the data stored is dependent upon the package or packaging conditions. Inherently, the data is dependent upon what is being packaged which reads on the packaging conditions as claimed.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Kim whose telephone number is (703)308-1886. The examiner can normally be reached on Tuesday-Friday 7:30 a.m. - 6:00 p.m.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.



Eugene Kim  
October 24, 2001